



## The New Mexico Supreme Court Rule of Law Program 2026 *State v. Mendez: Glossary*

**Note:** This Glossary is provided as an aid to understanding selected terms from the pleadings.

- **Abuse of discretion:** “An adjudicator’s failure to exercise sound, reasonable, and legal decision-making; specif., a decision-maker’s use of power in a way that denies justice or deprives someone of a substantial right, as when it is based on a misunderstanding of the law.” *Abuse of discretion, Black’s Law Dictionary* (12th ed. 2024).
- **Affirm:** “To confirm, ratify, or approve (a lower court’s judgment) on appeal.” *Affirm, Black’s Law Dictionary* (12th ed. 2024).
- **Allege:** “To assert as true, esp. that someone has done something wrong, though no occasion for definitive proof has yet occurred.” *Allege, Black’s Law Dictionary* (12th ed. 2024).
- **Appeal:** “A proceeding undertaken to have a decision reconsidered by a higher authority; esp., the submission of a lower court’s or agency’s decision to a higher court for review and possible reversal.” *Appeal, Black’s Law Dictionary* (12th ed. 2024).
- **Appellant:** “A party who appeals a lower court’s decision, usu. seeking reversal of that decision.” *Appellant, Black’s Law Dictionary* (12th ed. 2024).
- **Appellate:** “Of, related to, or involving an appeal or appeals generally.” *Appellate, Black’s Law Dictionary* (12th ed. 2024).
- **Appellee:** “A party against whom an appeal is taken and whose role is to respond to that appeal, usu. seeking affirmance of the lower court’s decision.” *Appellee, Black’s Law Dictionary* (12th ed. 2024).
- **Bias:** “A mental inclination or tendency; prejudice; predilection <the juror’s bias prompted a challenge for cause>.” *Bias, Black’s Law Dictionary* (12th ed. 2024).
- **Brief:** “A written statement setting out the legal contentions of a party in litigation, esp. on appeal.” *Brief, Black’s Law Dictionary* (12th ed. 2024).
- **Challenge for cause:** “An objection to a juror, made on voir dire for cause stated, that is, pointing out the ground upon which the juror is disqualified.” *Challenge for cause, Ballentine’s Law Dictionary* (3d ed. 2010).

- **Defendant:** “A person sued in a civil proceeding or accused in a criminal proceeding.” *Defendant, Black’s Law Dictionary* (12th ed. 2024).
- **Deliberate:** “(Of a court, jury, etc.) to weigh and analyze all the evidence after closing arguments.” *Deliberate, Black’s Law Dictionary* (12th ed. 2024).
- **Discretion:** “Freedom in the exercise of judgment; the power of free decision-making.” *Discretion, Black’s Law Dictionary* (12th ed. 2024).
- **Dismiss:** “To send (something) away; specif., to terminate (an action or claim) without further hearing, esp. before the trial of the issues involved.” *Dismiss, Black’s Law Dictionary* (12th ed. 2024).
- **Driving while intoxicated:** “The offense of operating a motor vehicle in a physically or mentally impaired condition after consuming enough alcohol to raise one’s blood alcohol content above the statutory limit (.08% in many states).” *Driving while intoxicated, Black’s Law Dictionary* (12th ed. 2024).
- **DWI:** “[abbreviation] DRIVING WHILE INTOXICATED.” *DWI, Black’s Law Dictionary* (12th ed. 2024). *See also Driving while intoxicated.*
- **Evidence:** “Something (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact; anything presented to the senses and offered to prove the existence or nonexistence of a fact <the bloody glove is the key piece of evidence for the prosecution>.” *Evidence, Black’s Law Dictionary* (12th ed. 2024)
- **Guilt:** “The fact, state, or condition of having committed a wrong, esp. a crime; esp., a judicial finding to this effect <the state’s burden was to prove guilt beyond a reasonable doubt>.” *Guilt, Black’s Law Dictionary* (12th ed. 2024)
- **Harmless error:** “A trial-court error that does not affect a party’s substantive rights or the case’s outcome.” *Error, Black’s Law Dictionary* (12th ed. 2024).
- **Impartial:** “Not favoring one side more than another; unbiased and disinterested; unswayed by personal interest.” *Impartial, Black’s Law Dictionary* (12th ed. 2024).
- **Innocence:** “The absence of guilt; esp., freedom from guilt for a particular offense.” *Innocence, Black’s Law Dictionary* (12th ed. 2024).
- **Inviolate:** “Free from violation; not broken, infringed, or impaired.” *Inviolate, Black’s Law Dictionary* (12th ed. 2024).
- **Juror:** “A member of a jury; a person serving on a jury panel.” *Juror, Black’s Law Dictionary* (12th ed. 2024).

- **Jury:** “A group of persons selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them.” *Jury, Black’s Law Dictionary* (12th ed. 2024).
- **Justice:** “A judge, esp. of an appellate court or a court of last resort.” *Justice, Black’s Law Dictionary* (12th ed. 2024).
- **Motion:** “A written or oral application requesting a court to make a specified ruling or order.” *Motion, Black’s Law Dictionary* (12th ed. 2024)
- **Oral argument:** “An advocate’s spoken presentation before a court (esp. an appellate court) supporting or opposing the legal relief at issue.” *Oral argument, Black’s Law Dictionary* (12th ed. 2024).
- **Order:** “A written direction or command delivered by a government official, esp. a court or judge.” *Order, Black’s Law Dictionary* (12th ed. 2024).
- **Party:** “One by or against whom a lawsuit is brought; anyone who both is directly interested in a lawsuit and has a right to control the proceedings, make a defense, or appeal from an adverse judgment.” *Party, Black’s Law Dictionary* (12th ed. 2024).
- **Peremptory:** “Not requiring any shown cause; arbitrary <peremptory challenges>.” *Peremptory, Black’s Law Dictionary* (12th ed. 2024).
- **Peremptory challenge:** “A challenge to a juror to be exercised by a party to a civil action or criminal prosecution without assignment of reason or cause.” *Peremptory challenge, Ballentine’s Law Dictionary* (3d ed. 2010).
- **Pleading:** “A formal document in which a party to a legal proceeding (esp. a civil lawsuit) sets forth or responds to allegations, claims, denials, or defenses.” *Pleading, Black’s Law Dictionary* (12th ed. 2024).
- **Prejudice:** “Damage or detriment to one’s legal rights or claims.” *Prejudice, Black’s Law Dictionary* (12th ed. 2024).
- **Preservation of error:** “The taking of all steps necessary under the rules of procedure or at common law in bringing an improper act or statement to the trial court’s attention so that, if not corrected, the mistake can be reviewed on appeal.” *Preservation of error, Black’s Law Dictionary* (12th ed. 2024).
- **Presumption:** “A legal inference or assumption that a fact exists because of the known or proven existence of some other fact or group of facts.” *Presumption, Black’s Law Dictionary* (12th ed. 2024).

- **Proof:** “Evidence. More precisely, the effect of evidence; the establishment of a fact by evidence.” *Proof, Ballentine’s Law Dictionary* (3d ed. 2010).
- **Quash:** “To annul or make void; to terminate.” *Quash, Black’s Law Dictionary* (12th ed. 2024).
- **Rebuttal:** “The time given to a party to present contradictory evidence or arguments; esp., the usu. short segment at the end of an oral argument designated for a movant, appellant, or petitioner to counter the other side’s arguments.” *Rebuttal, Black’s Law Dictionary* (12th ed. 2024).
- **Remedy:** “The means of enforcing a right or preventing or redressing a wrong; legal or equitable relief.” *Remedy, Black’s Law Dictionary* (12th ed. 2024).
- **Reverse:** “To overturn (a judgment or ruling), esp. on appeal.” *Reverse, Black’s Law Dictionary* (12th ed. 2024).
- **Rule of law:** “The doctrine that every person is subject to the ordinary law within the jurisdiction; the equal subjection of all citizens and classes to the ordinary law of the land.” *Rule of law, Black’s Law Dictionary* (12th ed. 2024).
- **Strike:** “To remove (a prospective juror) from a jury panel by a peremptory challenge or a challenge for cause <the prosecution struck the panelist who indicated an opposition to the death penalty>.” *Strike, Black’s Law Dictionary* (12th ed. 2024).
- **Testimony:** “Evidence that a competent witness under oath or affirmation gives at trial or in an affidavit or deposition.” *Testimony, Black’s Law Dictionary* (12th ed. 2024).
- **Venire:** “A panel of persons selected for jury duty and from among whom the jurors are to be chosen. — Also termed array; jury panel; jury pool; (redundantly) venire panel.” *Venire, Black’s Law Dictionary* (12th ed. 2024).
- **Voir dire:** “A preliminary examination of a prospective juror by a judge or lawyer to decide whether the prospect is qualified and suitable to serve on a jury.” *Voir dire, Black’s Law Dictionary* (12th ed. 2024).